

**REMARKS:**

**In Respect to the Claim Rejections - 35 USC 112:**

The deficiencies indicated by Examiner have been overcome in the amendments for the claims.

**In Respect to the Claim Rejections - 35 USC 102:**

"The distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Whereas, in a rejection based on 35 U.S.C. 103, the reference teachings must somehow be modified in order to meet the claims. The modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made. See MPEP § 2131 - § 2146 for guidance on patentability determinations under 35 U.S.C. 102 and 103."

**Regarding Claim 1 and 5-7 are rejected under U.S.C. 102(b) as being anticipated by Lambert (1774927):**

1. Lambert's kettle has many shortcomings as follows:

In the Lambert, the lid on top of the kettle covers the kettle and the inner vessel. A pipe 25 is opposite to the glass dome element 6 of the lid directly. When water in the inner vessel is boiling, in case of tea or coffee, the inner sides of the lid and

dome would be full with tea or coffee stain, and their surface will be very hot to be difficult for opening. Besides, when opening the lid 24 of inner vessel, the user will touch the outer surface of the lid 24 and contaminate it. Therefore, sanitary problem may arise too. The purpose of the present invention is to overcome these shortcomings.

In the claim 1, a cap is on the inner vessel, covers the opening of said kettle body. The cap has **a bended pipe from the cavity of said inner vessel to the space between said kettle body and said inner vessel**. This kind of structure makes the boiled water to flow to the space between the kettle body and the inner vessel rather than to the lid of kettle. Therefore, the claim 1 overcomes the shortcomings of Lambert.

Lambert does not teach the structure of the cap in the claim 1. Especially, he does not teach the structure of **a bended pipe from the cavity of said inner vessel to the space between said kettle body and said inner vessel**. Therefore, the claim 1 is patentable over Lamber under U.S.C. 102(b).

For the same reason, the claims 5-7 are patentable over Lamber under U.S.C. 102(b).

#### **Regarding Claim Rejections - 35 U.S.C. 103**

"To establish a prima facie case of obviousness, **three basic criteria must be met**. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. **Second**, there must be a reasonable expectation of success. **Finally**, the prior art reference (or references when combined) must teach **or** suggest all the claim limitations. The teaching or suggestion to

make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.1991). See MPEP 2143-2143.03 for decisions pertinent to each of these criteria."

**Regarding claims 1 and 2 are rejected under 35 U.S.C. 103(A) as being unpatentable over Manciola (3368476) in view of Perez (4098176)**

**2. The differences between claim 1 and Manciola in view of Perez are as follows:**

In claim 1, the bottom of the inner vessel is on the bottom of the kettle body, the kettle enwraps the inner vessel. This kind of structure makes the kettle having simple structure and convenience in use. Manciola's apparatus is consisted of a container 3 and a boiler 1, both are separated. Therefore their structures are totally different and Manciola's structure makes inconvenience in use and higher cost for manufacture.

In claim 1 has a device for preventing the hot water to shot the lid of kettle, which is the cap 6 of the vessel. The cap 6 is connected with the inner vessel by screwing, which is important for safety as the cap 6 receives pressure from the hot water. In Manciola the device for preventing the hot water to shot the lid of kettle is the hood member 10, which is plugged in the pipe 8, when receiving strong pressure from the hot water or the inside passage of hood member 10 is jammed by tea or coffee, the hood member 10 together with lid 12 of kettle will be pushed out by pressure, it is not safe.

Perez teaches the funnel having upper and lower filtering members only. In kettle, the device for preventing the hot water to shot the lid is the pipes 72, 74 and 62, which cannot be disassembled in design. It brings difficulties for cleaning.

Therefore, the claim 1 is patentable over Manciola in view of Perez under 35 U.S.C. 103(A).

3. In the claim 2 there is a new feature of "said cap is provided with an annular edge extending downwards threads are provided on said annular edge and said inner vessel for their connection." In Manciola the cover with the same function is the hood member 10, which is plugged in the pipe rather than connected by threads.

Furthermore the claim 2 is a dependent claim of the claim 1. It possesses all new features of claim 1 that not be disclosed by Manciola in view of Perez. Therefore, they are patentable.

**Regarding claims 7, 8, 11-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manciola in view of Perez and Taylor:**

4. The claims 7 and 15 are patentable over Manciola in view of Perez and Taylor under 35 U.S.C. 103(a), the reasons are the same described in the comment 2: the differences between claim 1 and Manciola in view of Perez of this paper.

5. The claims 8 and 11-14 are dependent claims of the claim 7, the claims 19-22 are dependent claims of claim 15. The claims 8 and 11-14 as well as claims 19-22 are patentable as the independent claims 7 and 15 is patentable.

**Regarding claims 15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert in view of Perez and Taylor:**

6. The claims 15 and 19-22 are patentable under 35 U.S.C. 103(a) over Lambert in view of Perez and Taylor. The reasons are the same described in the comment 1 Lambert's kettle has many shortcomings of this paper.

**7. The claims 3, 4, 9, 10 and 16-18 are allowed by the Examiner.**

For all of the above reasons, applicant submits that the specification drawings and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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